

Licence Variation



Licence - 12290

WERRIS CREEK COAL PTY LIMITED
ABN 69 107 169 102
PO BOX 125
WERRIS CREEK NSW 2341

Attention: Megan Martin

Notice Number 1621972
File Number EF13/3842
Date 02-Sep-2022

NOTICE OF VARIATION OF LICENCE NO. 12290

BACKGROUND

- A. WERRIS CREEK COAL PTY LIMITED (“the licensee”) is the holder of Environment Protection Licence No. 12290 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at 1435 WERRIS CREEK COAL, WERRIS CREEK, NSW, 2341 (“the premises”).
- B. On 27 July 2022, the Environment Protection Authority (EPA) carried out a risk based licensing inspection at the premises.
- C. During the inspection it was identified that:
 - A. Clean-up and repairs at void water dam 1 as required by Pollution Reduction Program (PRP) Condition U1 were complete.
 - B. Replacement of the oil water separator as required by PRP Condition U2 was outstanding. The licensee advised the EPA that the replacement oil and water separator was being fabricated and due for installation in the forward 6 to 8 week period. The licensee further advised that the reason the action was incomplete was due to procurement delays associated with COVID-19.
- D. Accordingly, the EPA considers it appropriate to remove PRP Condition U1 from the licence and update Condition U2 to include revised due dates for the installation of the oil and water separator. PRP Condition U2 has also been amended to require the licensee to submit written advice to the EPA confirming the installation of the new oil and water separator.
- E. This variation does not authorise a significant increase in the environmental impact of the activity authorised or controlled by the licence.

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VARIATION OF LICENCE NO. 12290

1. By this notice the EPA varies licence No. 12290. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
 - Condition U1 removed.
 - Condition U2 amended (now Condition U1).
 - Condition G2.1 amended.

A handwritten signature in black ink, appearing to be 'Daniel Stokes', with a long horizontal line extending to the right.

.....
Daniel Stokes
Unit Head
Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or

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the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details

Number:	12290
Anniversary Date:	01-April

Licensee

WERRIS CREEK COAL PTY LIMITED

PO BOX 125

WERRIS CREEK NSW 2341

Premises

WERRIS CREEK COAL MINE

1435 WERRIS CREEK COAL

WERRIS CREEK NSW 2341

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

Scale

Coal works	> 2000000-5000000 T annual handling capacity
Mining for coal	> 2000000-3500000 T annual production capacity

Contact Us

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

WERRIS CREEK COAL PTY LIMITED
PO BOX 125
WERRIS CREEK NSW 2341

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:

Construct mine entrance/ access/ rail load out roads; site preparation; (clearing/ soil removal) including mining activities, earthworks for processing plant, coal loading & office facility installation; install water management controls.

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	> 2000000 - 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity

A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WERRIS CREEK COAL MINE
1435 WERRIS CREEK COAL
WERRIS CREEK
NSW 2341
THE LAND BOUND WITHIN THE "PROJECT SITE BOUNDARY" IDENTIFIED IN THE MAP TITLED "FIGURE1: SCHEDULE OF LAND" OF APPENDIX 1 SCHEDULE OF LAND OF PROJECT APPROVAL 10_0059, DATED 25 OCTOBER 2011 (DOC16/111799)

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A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
9	Ambient Weather Monitoring.		Weather station located on the top level of the overburden emplacement at RL 445m and identified as "EPL9" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
28	Ambient Air Monitoring/Air Discharge Quality	Ambient Air Monitoring/Air Discharge Quality	Within 100m of the residence "Kyooma" identified as "EPL28" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
29	Ambient Air Monitoring / Air Discharge Quality	Ambient Air Monitoring / Air Discharge Quality	Within 100 metres of the residence "Glenara" identified as "EPL29" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
30	Ambient Air Monitoring / Air Discharge Monitoring	Ambient Air Monitoring / Air Discharge Monitoring	Within 100m of the location known as property number 92 identified as "EPL30" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
31	Ambient Weather Monitoring		Lower level temp. sensor at the toe of the SE rehabilitation area at RL 373.5m AHD and identified as "EPL31" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).

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P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
10	Wet Weather Discharge / Discharge Water Quality Monitoring.	Wet Weather Discharge / Discharge Water Quality Monitoring.	Point known as "SB2" and identified as "EPL10" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
12	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB9" and identified as "EPL12" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
14	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB10" and identified as "EPL14" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
16	Water Quality Monitoring		Point known as "VWD1" and identified as "EPL16" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
17	Groundwater Quality Monitoring		Point known as "GW966036/MW1" and identified as "EPL17" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
18	Groundwater Quality Monitoring		Point known as "GW966127/MW2" and identified as "EPL18" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
19	Groundwater Quality Monitoring		Point known as "GW965729/MW3" and identified as "EPL19" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).

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20	Groundwater Quality Monitoring		Point known as "MW4b" and identified as "EPL20" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
21	Groundwater Quality Monitoring		Point known as "GW968728/MW5" and identified as "EPL21" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
22	Groundwater Quality Monitoring		Point known as "MW6" and identified as "EPL22" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
23	Ambient/Discharge Water Quality Monitoring		Point known as WC-U on Werris Creek and identified as "EPL23" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
24	Ambient/Discharge Water Quality Monitoring		Point known as WC-D on Werris Creek and identified as "EPL24" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
25	Ambient/Discharge Water Quality Monitoring		Point known as QC-U on Quipolly Creek and identified as "EPL25" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
26	Ambient/Discharge Water Quality Monitoring		Point known as QC-D on Quipolly Creek and identified as "EPL26" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
27	Water Quality Monitoring		Point known as "VWD2" and identified as "EPL27" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
32	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB18" and identified as "EPL32" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).

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33	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD1" and identified as "EPL33" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
34	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD3" and identified as "EPL34" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).
35	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD4" and identified as "EPL35" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).

3 Limit Conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

L2.4 Water and/or Land Concentration Limits

POINT 10,12,14,32

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
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Oil and Grease	milligrams per litre	-	-	-	10
pH	pH	-	-	-	6.5- 8.5
Total suspended solids	milligrams per litre	20	35	-	50

POINT 33,34,35

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Electrical conductivity	microsiemens per centimetre				2000
Oil and Grease	milligrams per litre				10
pH	pH	6.5 - 8.5			9

L2.5 The Total Suspended Solids concentration limits specified for Points 10, 12, 14 and 32 may be exceeded for water discharged from the sediment basins provided that:

(a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 39.2 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and

(b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 39.2 millimetre, 5 day rainfall event.

L3 Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L3.3 The licensee may dispose of up to 150 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 31 March 2023. Should the report, provided in accordance with condition R3.5:

1. be submitted to the EPA's satisfaction at intervals of 2 years; and
2. find that recycling options are not feasible; and
3. the EPA provides written advice that onsite disposal of end of life heavy plant tyres may continue for a subsequent two (2) annual reporting periods;

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then, the onsite disposal of the end-of life heavy mining plant tyres may continue for the subsequent two (2) annual reporting periods.

Only waste tyres generated at the premises may be disposed of in accordance with this condition.

L4 Noise limits

L4.1 Noise generated from the premises must not exceed the noise limits in the table below.

Locality and Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
The residence on the property "Talavera" marked as location "R96 Talavera" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	38	38	38	45
The residence known as "Quipolly Railway Cottage" marked as location "R12 Quipolly Railway Cottage" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	38	38	38	45
The residence on the property "Hazeldene" marked as location "R24 Hazeldene" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	37	37	37	45

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The residence on the property "Kyooma" marked as location "R98 Kyooma" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	36	38	38	45
Any other affected residence not owned by the licensee or its related companies	35	35	35	45

L4.2 For the purpose of the condition above;

- a) Day is defined as the period from 7am to 6pm on any day.
- b) Evening is defined as the period 6pm to 10pm on any day.
- c) Night is defined as the period from 10pm to 7am on any day.

Note: For the purpose of the noise criteria for this condition, 5dBA must be added to the measurement level if the noise is substantially tonal or impulsive in character.

L4.3 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Temperature inversion conditions up to 12°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Temperature inversion conditions greater than 12°C/100m.

Note: For the purpose of this condition, data recorded by the meteorological station identified as EPA Identification Point No. 9 and the lower level temperature sensor identified as EPA Identification Point No. 31 must be used to determine meteorological conditions.

Note: Temperature inversion conditions (vertical temperature gradient in degrees C/100m) are to be determined as $[(TM2 - TM3 - 0.7) * 1.25]$, where TM2 is the temperature from sensor M2 (10m weather station at top of rehabilitated overburden emplacement) and TM3 is the temperature from sensor M3 (lower weather station at base of rehabilitated overburden emplacement). Reference: Spectrum Acoustics letter report Ref: 04035/4580 of 7 November 2012 to Werris Creek Coal.

L4.4 Noise impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be addressed by:

- a) documenting noise complaints received to identify any higher level of impacts or wind patterns;
- b) where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be developed and implemented.

L4.5 The noise limits set by condition L4.1 of the licence do not apply where a current legally binding agreement

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exists between the proponent and the occupant of a residential property that:

- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the proponent can take advantage of the agreement.

L4.6 Determining Compliance

To determine compliance:

- a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
 - i) at the most affected point at a location where there is no dwelling at the location; or
 - ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- i) at a location other than an area prescribed in part (a) and part (b); and/or
- ii) at a point other than the most affected point at a location.

L5 Blasting

- L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be

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taken into account in determining whether or not the limit has been exceeded.

- L5.5 Blasting operations at the premises may only take place between 9:00am-5:00pm Monday to Saturday. Blasting is not permitted on public holidays.

Blasting outside the hours specified above can only take place with the written approval of the EPA.

- L5.6 The hours during which blasting is permitted may be varied by the EPA upon consideration of the impact any variation may have on the amenity of the residents in the locality.

- L5.7 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

Note: Additional blasts are permitted where the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired; and
 - it is demonstrated to be necessary for safety reasons; or
 - the previous blast generated ground vibration levels of less than 0.5 mm per second at all non-project related residences.

- L5.8 To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4
 a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at any point within 30 metres of any non-project related residential building or other sensitive locations such as schools or hospitals for all blasts carried out in or on the premises; and
 b) Instrumentation used to measure the airblast overpressure and ground vibration must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at any "noise sensitive locations" other than the locations identified in the above condition.

L6 Hours of operation

- L6.1 Activities at the premises, other than blasting (which is subject to the limits applied by condition L5.5), may be carried out 24 hours a day, 7 days per week.

L7 Potentially offensive odour

- L7.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

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O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.2 Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.

O4 Effluent application to land

Irrigation of Mine Void Water from Void Water Dam 1

O4.1 Prior to the Licensee providing Irrigation water from Void Water dam 1, all necessary state and local government approvals must be obtained.

O4.2 Pollution events associated with any aspect of the recipient's and or Licensees void water reuse program for irrigation, must be must be reported to the EPA in accordance with section 148 of the Act as soon as is practicable after the Licensee becomes aware of an incident.

O4.3 The licensee must cease the supply of void water for irrigation as soon as the licensee becomes aware of a misuse of effluent or failure to implement any aspect of the irrigation management plan.

O4.4 The Licensee must review, with an annual inspection, the recipients use of the void water on an annual basis, to identify any corrective actions required to comply with or update the irrigation management plan.

The supplier must keep records of sites visits, observations and corrective actions for at least four years.

O4.5 The licensee must engage a suitably qualified person to make an annual assessment of the irrigation scheme and this report must be submitted to the EPA with the annual return.

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O5 Waste management

O5.1 The Licensee is authorised to dispose of heavy plant-tyre waste generated on the premises, in the waste rock/overburden emplacements.

The Licensee must:

1. ensure that heavy plant waste tyres are re-used on the premises as much as practical;
2. ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacement and buried as deep as practical, but covered by at least 20m of inert material beneath any final rehabilitated surface;
3. place heavy plant waste tyres at least 15 metres away from coarse reject material or tailings emplacement areas.;
4. not emplace any heavy plant waste tyres directly on the pit floor or in a location that is likely to impede or contaminate saturated aquifers;
5. not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitation landform;
6. not emplace any heavy plant waste tyres within 15m of heated or potentially acid forming materials;
7. not place any heavy plant waste tyres in an area likely to leach to any watercourse; and
8. record the co-ordinates (easting, northing and elevation) of each disposal location.

O5.2 Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must;

1. be less than 3 metres height and;
2. not over an area of more than 200 square metres; and
3. not be located within 10 metres of any other flammable or combustible materials.

O6 Other operating conditions

O6.1 Reversing beepers fitted to vehicles on the premises must be a low frequency broadband type, unless it can be demonstrated that operations will not contribute to off-site noise impacts.

Blast Fume

O6.2 Offensive blast fume must not be emitted from the premises.

Definition: *Offensive blast fume* means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- (i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

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Pollution Incident Response Management Plan

- O6.3 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.
- O6.4 The licensee must keep the PIRMP on the premises at all times.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Air Monitoring Requirements

POINT **28,29,30**

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AM-18
Solid Particles	grams per square metre per month	Continuous	AM-19

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M2.3 Water and/ or Land Monitoring Requirements

POINT 10,12,14,32

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample
Nitrate	milligrams per litre	Special Frequency 1	Grab sample
Nitrogen (total)	milligrams per litre	Special Frequency 1	Grab sample
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample
Phosphorus (total)	milligrams per litre	Special Frequency 1	Grab sample
Reactive Phosphorus	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

POINT 16,27

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 3 months	Grab sample
Nitrate	milligrams per litre	Every 3 months	Grab sample
Nitrogen (total)	milligrams per litre	Every 3 months	Grab sample
Oil and Grease	milligrams per litre	Every 3 months	Grab sample
pH	pH	Every 3 months	Grab sample
Phosphorus (total)	milligrams per litre	Every 3 months	Grab sample
Reactive Phosphorus	milligrams per litre	Every 3 months	Grab sample
Total suspended solids	milligrams per litre	Every 3 months	Grab sample

POINT 17,18,19,20,22,21

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 6 months	Representative sample
Nitrate	milligrams per litre	Every 6 months	Representative sample
Nitrogen (total)	milligrams per litre	Every 6 months	Representative sample
pH	pH	Every 6 months	Representative sample
Phosphorus (total)	milligrams per litre	Every 6 months	Representative sample
Reactive Phosphorus	milligrams per litre	Every 6 months	Representative sample
Standing Water Level	metres	Every 6 months	In situ

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POINT 23,24,25,26

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	Special Method 1
Nitrate	milligrams per litre	Special Frequency 2	Special Method 1
Nitrogen (total)	milligrams per litre	Special Frequency 2	Special Method 1
Oil and Grease	milligrams per litre	Special Frequency 2	Special Method 1
pH	pH	Special Frequency 2	Special Method 1
Phosphorus (total)	milligrams per litre	Special Frequency 2	Special Method 1
Reactive Phosphorus	milligrams per litre	Special Frequency 2	Special Method 1
Total suspended solids	milligrams per litre	Special Frequency 2	Special Method 1

POINT 33,34,35

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Arsenic (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Barium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Beryllium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
BOD	milligrams per litre	Special Frequency 3	Grab sample
Cadmium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Chromium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Cobalt (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Copper (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Electrical conductivity	microsiemens per centimetre	Special Frequency 4	Grab sample
Iron (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Lead (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Magnesium	milligrams per litre	Special Frequency 3	Grab sample
Manganese (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Nickel (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Oil and Grease	milligrams per litre	Special Frequency 3	Grab sample
pH	pH	Special Frequency 4	Grab sample
Potassium	milligrams per litre	Special Frequency 3	Grab sample
Selenium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Sodium	milligrams per litre	Special Frequency 3	Grab sample
Total dissolved solids	milligrams per litre	Special Frequency 3	Grab sample
Vanadium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Zinc (dissolved)	milligrams per litre	Special Frequency 3	Grab sample

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Note: For the purposes of this condition, Special Frequency 1 means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing.

For the purposes of this condition, Special Frequency 2 means within 12 hours after any overflow from a storage dam(s) on the premises occurring.

For the purposes of this condition, Special Frequency 3 means every three months. If no mine void water is planned to be provided for agricultural purposes within the three months following scheduled sampling, then sampling is not required.

For the purposes of this condition, Special Frequency 4 means prior to, but not more than 24 hours prior to providing mine void water for agricultural purposes and then weekly thereafter, until the provision of water ceases. Samples are only required to be taken from the void water dam that is supplying water for agricultural purposes.

For the purposes of this condition, Special Method 1 means that grab samples must be taken from those ambient/discharge water quality monitoring points (i.e. points 23-26) located in same drainage catchment (Werris Creek and/or Quipolly Creek) as those wet weather discharge points (i.e. points 10, 12, 14 and/or 32) overflowing in any individual discharge event.

Note: The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the water quality and ground water quality is established.

M2.4 For the purposes of the table(s) above, monitoring at points 16 and 27 is not required in the three month period if the monitoring site is dry or inadequate water is available to collect a sample.

M2.5 For the purposes of the table(s) above, monitoring at points 17, 18, 19, 20, 21 and 22 is not required in the six month period if the monitoring site is dry or inadequate water is available to collect a sample.

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

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M4 Weather monitoring

M4.1 Weather Monitoring Requirements

POINT 9

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	millimetres per hour	continuous	1 hour	AM-4
Wind speed @10 metres	metres per second	continuous	15 minute	AM-2 & AM-4
Wind direction @10 metres	degrees clockwise from true north	continuous	15 minute	AM-2 & AM-4
Temperature @2 metres	degrees celsius	continuous	15 minute	AM-4
Temperature @10 metres	degrees celsius	continuous	15 minute	AM-4
Sigma theta @10 metres	degrees clockwise from true north	continuous	15 minute	AM-2 & AM-4
Solar radiation	watts per square metre	continuous	15 minute	AM-4
Additional requirements - siting	-	-	-	AM-1, AM-4 & special method 2
Additional requirements - measurement	-	-	-	AM-1, AM-4 & special method 2

M4.2 POINT 31

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Temperature @ 2 metres	degrees celsius	continuous	15 minute	AM-4 & special method 2

Note: For the purposes of conditions M4.1 & M4.2, Special Method 2 means that the location of the meteorological monitoring equipment and details of that equipment, the equipment operation and maintenance/service procedures and schedules must be submitted in writing and approved in writing by the EPA before any sampling or analysis is carried out. The meteorological monitoring equipment must be calibrated at least once every 12 months. Any proposed changes to the meteorological monitoring equipment location, operating and maintenance/service procedures and schedules, or to the monitoring hardware itself must also be submitted in writing and approved in writing by the EPA. The EPA is to be provided with the monitoring data on request in a Microsoft ® Office software compatible format.

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of

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the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M7 Requirement to monitor volume or mass

M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied to the area;
- b) the mass of solids applied to the area;
- c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure, specified below.

POINT 33,34,35

Frequency	Unit of Measure	Sampling Method
Daily during any discharge	kilolitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)

M8 Blasting

M8.1 To assess compliance with the blast limits presented at L5, blast monitoring must be undertaken in accordance with L5 at the following locations:

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Within 30 metres of the residences at the locations marked as "R98 Kyooma", "R11 Glenara" and "R62 43 Kurrara St, Werris Ck", and within 30 metres of the location marked as "R92 Werris Creek Middle" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).

Parameter	Units of Measure	Frequency	Sampling Method
Blast Noise	dB (Lin Peak)	Every Blast	Type 1 Noise/Blast Logger
Blast Vibration	mm/s	Every Blast	Geophone Logger or similar

M9 Other monitoring and recording conditions

Noise Monitoring

- M9.1 To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and:
- a) at the locations labelled "R24 Hazeldene", "R12 Quipolly Railway Cottage", "R96 Talavera", "R98 Kyooma" and "R57 33 Kurrara St, Werris Ck" (non project related residence number 57) on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380);
 - b) occur monthly in a reporting period;
 - c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - i) 1 hour during the day; and
 - ii) 1 hour during the evening or night.

Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established.

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
1. a Statement of Compliance,
 2. a Monitoring and Complaints Summary,
 3. a Statement of Compliance - Licence Conditions,
 4. a Statement of Compliance - Load based Fee,
 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
 7. a Statement of Compliance - Environmental Management Systems and Practices.

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At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 The licensee must provide the EPA with an Annual Heavy Plant-Tyre Disposal Report.

The report must be submitted with the Licence Annual Return each year.

The Annual Heavy Plant Disposal Report must include and not be limited to:

1. Each tyre serial number.
2. Supplier of each tyre.
3. Purchase date of each tyre
4. Disposal date of each tyre.
5. Co-ordinates (easting and northings) of the locations where each tyre was disposed of by burial in accordance with condition O4.1.
6. The real level (RL) in metres *AHD* of each tyre emplacement location.
7. The number of tyres buried within each emplacement location, and
8. The cumulative total number and tonnage of tyres disposed of at the premises each year.

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R2 Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R3.5 The licensee must undertake a review of available recycling options for end of life heavy plant tyres at least once every two (2) years and provide a report to the EPA that contains and is not limited to the following:

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1. analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states;
2. evidence of enquiries made by the proponent in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises;
3. analysis of any pre-treatment options that can be performed at the premises to reduce costs associated with the transport and recycling of end of life mining heavy plant tyres
4. analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities;
5. the current costs associated with the continued on site burial of end of life mining heavy plant tyres;
6. A full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transportation from the site and their recycling/reprocessing.

Report submission date: Every two (2) years, as part of the Annual Return, with the first report to be submitted with the Annual Return for the 2022-23 reporting period.

R4 Other reporting conditions

- R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monthly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- a) an assessment of compliance with noise limits presented in the Noise Limits table; and
 - b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in the Noise Limits table.
- R4.2 The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Other general conditions

G2.1 Completed Programs

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Program	Description	Completed Date
PRP 1: Noise Monitoring and Assessment Program	This PRP requires the licensee to undertake a noise monitoring and assessment of the impacts of typical construction and mining activities on the premises.	15-May-2008
PRP 2: Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific best management practice (BMP) determination to identify ways to reduce particulate emissions.	27-June-2012
Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	13-August-2014
Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather	13-August-2014
Particulate Matter Control Best Practice Implementation – Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	14-April-2014
Coal Mine Wind Erosion of Exposed Land Assessment	Calculate the stabilised and disturbed surface areas (in hectares) within the premises as of 30 June 2014, against the predictions within the licensee's Environmental Assessment or Environmental Impact Statement for the premises.	28-August-2015
Void Water Dam 1	Complete repairs to VWD 1 at erosion points and clean up hydrocarbon spills.	27-July-2022

8 Pollution Studies and Reduction Programs

U1 Oil Water Separator

U1.1 By no later than 5PM on 31 October 2022, the licensee must decommission the current inground oil water separator and replace it with an above ground system that:

1. Is roofed and bunded (roof can be mobile); and
2. Provides for stormwater bypass if required; and
3. The type of separator selected is based volume generation needs (Coalescing plate separator or Hydrocyclone oil separator) and the best possible treatment for that volume generation available; and
4. Is capable of pre-treating oil, grease, silt, detergents, NFR (Suspended solids), COD (chemical oxygen demand) and pH prior to collection for disposal.

The Decommissioned inground unit must be removed and lawfully disposed of, at a lawful waste facility by

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5pm on 31 October 2022.

- U1.2 By no later than 5PM on 31 October 2022, the licensee must provide written advice to info@epa.nsw.gov.au confirming the completion of actions required by Condition U1.1.

9 Special Conditions

E1 Three Yearly Independent Noise Audit

- E1.1 The licensee must provide the EPA with a copy of any Noise Audit and Independent Environmental Audit Report required by condition 4 of Schedule 3 and conditions 8 and 9 of Schedule 5 of the Werris Creek Mine Extension Project Approval (No. 10_0059). If the Noise Audit and Independent Environmental Audit Report do not incorporate the following information or assessments, then the licensee must also provide a separate report to the EPA that incorporates the following:

- (a) An assessment of noise emissions from the premises against the noise limits established by the Project Approval (No. 10_0059), as well as against the long term noise goal and noise acquisition criteria established within Project Approval No. 10_0059 that has been completed in accordance with the procedures defined in the *NSW Industrial Noise Policy* and any relevant Application Notes published by the EPA;
- (b) An evaluation of current mine noise impacts at all non-project related receptors and the noise mitigation practices that have been implemented at the premises against the best available economically achievable technology and current best practice principles for minimising noise emissions; and
- (c) Where noise impacts at any affected non-project related receptor exceeds the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059, the licensee must provide documented evidence that demonstrates that reasonable attempts have been made to reach a negotiated agreement with all relevant affected receptors within the last 3 years.

The reports required by this condition must be submitted to the EPA's Armidale office **within 6 weeks of the 30 June 2014, and every three years thereafter.**

Note: For the purposes of this condition, a privately owned property that is subject to a current and legally binding negotiated agreement between the licensee and the relevant property owner, is considered project related, as is any property or residence held in the ownership of the licensee or its associated companies.

- E1.2 If the reports required by E1.1 above indicate that non-project related receptors continue to receive impacts that exceed the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059, then the licensee must provide the EPA with a report detailing the actions it will take during the next three year period, to further reduce noise impacts from the mine. The report must:

- (a) Provide details of any trials, tests or research that it will commission in an attempt to develop new or innovative noise mitigation technologies or management practices;
- (b) Detail the nature of any works that will be carried out at the premises or at the relevant receptor locations to further reduce noise impacts;
- (c) Provide timelines and provisional costings for the proposed actions or works;
- (d) Provide an analysis where possible of the potential noise reductions that the proposed actions are likely to achieve; and
- (e) Define any additional noise monitoring programs that might be required to measure/validate the



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performance of the proposed mitigation actions.

The report required by this condition must be submitted to the EPA by **31 August 2014 and every three years thereafter** until noise emissions from the premises meet the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059.

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Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Stephen O'Donoghue

Environment Protection Authority

(By Delegation)

Date of this edition: 18-April-2005

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End Notes

- 1 Licence varied by notice 1059992, issued on 23-May-2006, which came into effect on 23-May-2006.
- 2 Licence varied by notice 1064880, issued on 14-Sep-2006, which came into effect on 14-Sep-2006.
- 3 Licence varied by notice 1067351, issued on 04-Jan-2007, which came into effect on 04-Jan-2007.
- 4 Licence fee period changed by notice 1079180 approved on .
- 5 Licence varied by notice 1087334, issued on 07-Oct-2009, which came into effect on 07-Oct-2009.
- 6 Licence varied by notice 1115057, issued on 16-Jun-2010, which came into effect on 16-Jun-2010.
- 7 Licence varied by notice 1122371, issued on 23-Dec-2010, which came into effect on 23-Dec-2010.
- 8 Licence varied by notice 1126948, issued on 13-Jul-2011, which came into effect on 13-Jul-2011.
- 9 Licence varied by notice 1503171 issued on 20-Dec-2011
- 10 Licence varied by notice 1503674 issued on 04-Apr-2012
- 11 Licence varied by notice 1510431 issued on 21-Mar-2013
- 12 Licence varied by notice 1513290 issued on 01-May-2013
- 13 Licence varied by notice 1516119 issued on 06-Sep-2013
- 14 Licence varied by notice 1518349 issued on 08-Jan-2014
- 15 Licence varied by notice 1522157 issued on 16-Jun-2014
- 16 Licence varied by notice 1522825 issued on 19-Nov-2014
- 17 Licence varied by notice 1529400 issued on 14-Jul-2015
- 18 Licence varied by notice 1537160 issued on 06-May-2016
- 19 Licence varied by notice 1547220 issued on 17-May-2017
- 20 Licence varied by notice 1562065 issued on 21-Mar-2018
- 21 Licence varied by notice 1589291 issued on 16-Jan-2020
- 22 Licence varied by notice 1609107 issued on 23-Jul-2021